

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DIOMED, INC.,

Plaintiff,

v.

NEW STAR LASERS, INC.
d/b/a COOLTOUCH INC.

Defendant.

Civil Action No. 04-cv-12157-NMG

DIOMED'S RESPONSE TO ENDOLASER'S MOTION TO INTERVENE

Diomed assents to Endolaser's Motion to Intervene (D.I. 24). For the record, Diomed notes that this assent relates only to intervention, not to the simultaneously-filed motion by Endolaser to dismiss (D.I. 25). Diomed is opposing that motion for the reasons detailed in its Opposition, filed herewith.

DIOMED, INC.,
By its attorneys,

Dated: September 5, 2008

/s/ Michael A. Albert

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CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Michael A. Albert